



Docket Number: 3116-1780

RECEIVED

DEC 15 1999

TECH CENTER 1600/2900 PATENT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on December 9, 1999.

*Elie H. Gendloff*

Elie H. Gendloff  
Reg. No. 44,704

In re Application of: Curtiss et al.

Serial No.: 08/473,789

Filed: June 7, 1995

For: RECOMBINANT BACTERIAL  
VACCINE SYSTEM WITH  
ENVIRONMENTALLY  
LIMITED VIABILITY

Examiner: V. Ryan

Group Art Unit 1641

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Transmitted herewith are the following documents in the above-identified application.

- Certificate Under 37 CFR 3.73(b) Establishing Right of Assignee to Take Action;
- Revocation of Existing Power of Attorney and New Power of Attorney;
- If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 18-1829 accordingly.
- No additional fee is believed to be required.
- Please charge any deficiencies or credit any overpayment to Deposit Account 18-1829. A duplicate copy of this sheet is attached.

Respectfully submitted,

*Elie H. Gendloff*

Elie H. Gendloff  
Reg. No. 44,704  
Howell & Haferkamp, L.C.  
7733 Forsyth Boulevard, Suite 1400  
St. Louis, Missouri 63105  
(314) 727-5188

December 9, 1999



#31  
MB  
02/18/00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 15 1999

TECH CENTER 1600/2900

In re application of: Curtiss et al.

Serial No.: 08/473,789

Filed: 6/7/1995

For: RECOMBINANT BACTERIAL VACCINE SYSTEM WITH ENVIRONMENTALLY LIMITED VIABILITY

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

**REVOCATION OF EXISTING POWER OF ATTORNEY**

Sir:

The undersigned representative of the assignee of the above-identified application hereby revokes all powers of attorney previously given and

**NEW POWER OF ATTORNEY**

hereby appoints John M. Howell, (25,261); Richard E. Haferkamp (29,072); Kenneth Solomon (31,427); Joseph M. Rolnicki (32,653); Joseph E. Walsh, Jr. (36,959); Alan H. Norman (32,285); Donald R. Holland (35,197); Bryan K. Wheelock (31,441); Charles E. Dunlap (35,124); Anthony G. Simon (40,813); Michael J. Thomas (39,857); Thomas A. Polcyn (41,256); and Elie H. Gendloff (44,704), constituting the firm of Howell & Haferkamp, L.C., 7733 Forsyth Blvd. Suite 1400, St. Louis, Missouri 63105, all members of the Bar of the State of Missouri, to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

Elie H. Gendloff  
Howell & Haferkamp, L.C.  
7733 Forsyth, Suite 1400  
St. Louis, Missouri 63105-1817

11/20/99  
Date

*Brian L. Clevinger*  
Brian L. Clevinger, Ph.D.  
Megan Health Inc.  
3655 Vista Avenue  
St. Louis, Missouri 63110

Att mey's Docket N . 3116-1780

**PATENT**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Curtiss et al.  
Application No.:08 /473,789      Group No.: 1641  
Filed: June 7, 1995  
For: Recombinant Bacterial Examiner: V. Ryan  
Vaccine System with Environmentally Limited Viability  
Issue Date:

Patent:

Issue Date: \_\_\_\_\_

Reexamination No.:

Issue Date: \_\_\_\_\_

Reissue:

*NOTE: Insert name(s) of inventor(s) and title for patent.*

**Assistant Commissioner for Patents**

Washington, D.C. 20231

**CERTIFICATE UNDER 37 CFR 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

**NOTE:** 37 CFR 3.73(b) states: "(b) When the assignee of the entire right, title and interest seeks to take action in a matter before the Office with respect to a patent application, trademark application, patent, registration, or reexamination, proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office documentary evidence of a chain of title from the original owner to the assignee or by specifying (e.g., reel and frame number, etc.) where such evidence is recorded in the Office. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. In addition, the assignee of a patent application or patent must submit a statement specifying that the evidentiary documents have been reviewed and certifying that, to the best of assignee's knowledge and belief, title is in the assignee to take the action."

**CERTIFICATION 37 CFR 1.8(a) and 1.10**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**37 CFR 1.10**

with sufficient postage as first class mail,  as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office.

*Elie H. Gendloff*  
Signature

Elie H. Gendloff

(type or print name of person certifying)

Date: December 9, 1999

**NOTE:** The PTO points out, in the Notice of June 24, 1992 (1140 O.G. 63-72, at 66), that "[a]dditionally, when a patent assignee is not represented by an attorney or registered agent, a statement by the assignee must also be submitted stating that the evidence has been reviewed and certifying that, to the best of the party's knowledge and belief, title is in the party seeking to take action."

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

### **IDENTIFICATION OF ASSIGNEE**

2. Washington University

Name of assignee

University

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

### **PERSON AUTHORIZED TO SIGN**

3. Andrew Neighbour, Ph.D.

(type name of person authorized to sign on behalf of assignee)

Associate Vice Chancellor for Technology Management

Title of person authorized to sign

**NOTE:** The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

(complete the following, if applicable)

I, the person signing below, aver that I am empowered to sign this statement on behalf of the assignee.

### **BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

**A.**

1.  An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at  
Reel 7600, Frame 0008.
2.  An assignment (document) separately being submitted for recordal herewith.

(Certificate under 37 CFR 3.73(b) Establishing Right of Assignee to Take Action [16-16]—page 2 of 4)

**AND/OR**

B.  A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

2. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

3. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

*(check item below, and add details, if applicable)*

Additional documents in the chain of title are listed in the attached Supplemental Sheet.

**COPIES OF DOCUMENTS IN CHAIN OF TITLE**

*(complete this item, if copies are being sent)*

Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

A       1       2  
 B       1       2       3

**DECLARATIONS**

I, the undersigned, have reviewed all the documents in the chain of title of the

patent application     patent  
 reexamination    or     reissue

matter identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

I, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
(Signature of authorized person)

Andrew Neighbour, Ph.D.

(type or print name of authorized person)

Associate Vice Chancellor for

Title of authorized person    Technology Management

Reg. No.

**SIGNATURE OF ATTORNEY**

Tel. No. ( )

(type or print name of Attorney)

P.O. Address